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SUBJECT: FRENCH MOVING FORWARD ON NEW COPYRIGHT REGULATORY AUTHORITY

REF: A) STATE 160668 B) PARIS 5242

¶1. (SBU) Embassy officers have completed a series of meetings with Ministry of Trade, Ministry of Commerce and Ministry of Foreign Affairs officials regarding France's Copyright law (ref A). French officials reiterated that they welcomed U.S. government and industry input regarding the implementation of the new technical regulatory Authority as called for in the law (ref B). We understand the French government plans on establishing the new Authority by the end of 2006, though some local observers doubt this timetable is achievable.

¶2. (SBU) Culture Ministry officials Martin Rogard and Marc Herubel

(Herubel is a member of Minister de Vabre's cabinet and has the lead on this issue for the French government) stated that following inter-ministerial consultations, a decree will be finalized by mid-November defining the powers and scope of the proposed "Regulatory Authority for Technical Measures" as required by the law. The Culture Ministry plans on having the new Authority up and running by the end of the year. It will reportedly be modeled largely on France's existing Competition Authority, an independent agency which was created in 1986. The Competition Authority, which has sanctions powers, has been particularly active in liberalizing France's telecommunications market.

¶3. (SBU) Ministry of Foreign Trade Deputy Chief of Staff Etienne Oudot de Dainville was less certain about the proposed timetable and noted that the Trade Ministry had not yet contributed to inter-ministerial discussions on the proposed Authority. Outside of government, copyright lawyers active on behalf of U.S. industry believe the Authority will favor protection of copyrights and Digital Rights Management technologies, to the extent permitted by the new law. These lawyers doubt however that the Authority will be in place by the end of the year. If the timetable slips, upcoming Presidential elections in 2007 may have a considerable impact on implementation of the law.

¶4. (SBU) Comment: All of our interlocutors welcomed U.S. comments and input (particularly from U.S. industry) concerning the new Authority during the short time remaining prior to issuance of the planned decree. Commerce U/S Lavin's visit to Paris October 18-20 will provide an opportunity to underscore U.S. concerns with copyright law implementation.

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